

1-1 By: Ellis S.B. No. 1512  
1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read  
1-3 first time and referred to Committee on Open Government;  
1-4 April 23, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 3, Nays 0; April 23, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Ellis	X		
1-10	Davis	X		
1-11	Nelson		X	
1-12	Seliger	X		
1-13	Williams		X	

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1512 By: Ellis

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the confidentiality of certain crime scene photographs  
1-18 and video recordings; providing a criminal penalty.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 56, Code of Criminal Procedure, is  
1-21 amended by adding Subchapter E to read as follows:

1-22 SUBCHAPTER E. CONFIDENTIALITY OF CRIME SCENE PHOTOGRAPHS AND  
1-23 RECORDINGS

1-24 Art. 56.151. DEFINITIONS. In this subchapter:

1-25 (1) "Deceased person's next of kin" means:

1-26 (A) the surviving spouse of the deceased person;

1-27 (B) if there is no surviving spouse of the  
1-28 deceased, an adult child of the deceased person; or

1-29 (C) if there is no surviving spouse or adult  
1-30 child of the deceased, a parent of the deceased person.

1-31 (2) "Local governmental entity" means a county,  
1-32 municipality, school district, charter school, junior college  
1-33 district, or other political subdivision of this state.

1-34 (3) "News media" means:

1-35 (A) a radio or television station that holds a  
1-36 license issued by the Federal Communications Commission;

1-37 (B) a newspaper that is qualified under Section  
1-38 2051.044, Government Code, to publish legal notices or is a free  
1-39 newspaper of general circulation and that is published at least  
1-40 once a week and available and of interest to the general public in  
1-41 connection with the dissemination of news; or

1-42 (C) a magazine that appears at a regular  
1-43 interval, that contains stories, articles, and essays by various  
1-44 writers, and that is of interest to the general public in connection  
1-45 with the dissemination of news or public affairs.

1-46 (4) "Public or private institution of higher  
1-47 education" means:

1-48 (A) an institution of higher education, as  
1-49 defined by Section 61.003, Education Code; or

1-50 (B) a private or independent institution of  
1-51 higher education, as defined by Section 61.003, Education Code.

1-52 (5) "Sensitive crime scene image" means a photograph  
1-53 or video recording that depicts a deceased person in a state of  
1-54 dismemberment, decapitation, or similar mutilation or that depicts  
1-55 the deceased person's genitalia.

1-56 (6) "State agency" means a department, commission,  
1-57 board, office, or other agency that is a part of state government  
1-58 and that is created by the constitution or a statute of this state.  
1-59 The term includes an institution of higher education as defined by  
1-60 Section 61.003, Education Code.

2-1 Art. 56.152. APPLICABILITY. (a) This subchapter applies  
2-2 to:

- 2-3 (1) a state agency; and
- 2-4 (2) a local governmental entity.

2-5 (b) This subchapter applies to any sensitive crime scene  
2-6 image regardless of the date that the image was taken or recorded.

2-7 Art. 56.153. CONFIDENTIALITY OF SENSITIVE CRIME SCENE  
2-8 IMAGES. (a) A sensitive crime scene image in the custody of a  
2-9 person to whom this subchapter applies is confidential and not  
2-10 subject to disclosure under Chapter 552, Government Code.

2-11 (b) The custodian of a sensitive crime scene image may not  
2-12 permit a person to view or copy the image except as provided by this  
2-13 subchapter.

2-14 Art. 56.154. RIGHT TO VIEW AND COPY SENSITIVE CRIME SCENE  
2-15 IMAGES. (a) Except as provided by Subsections (c) and (d), the  
2-16 following persons are entitled to view a sensitive crime scene  
2-17 image:

- 2-18 (1) the deceased person's next of kin;
- 2-19 (2) a person authorized in writing by the deceased  
2-20 person's next of kin;

2-21 (3) a defendant being prosecuted for the death of the  
2-22 deceased person or the defendant's attorney or a person convicted  
2-23 of an offense in relation to that death and appealing that  
2-24 conviction or that person's attorney;

2-25 (4) a bona fide member of the news media who is  
2-26 engaging in a news-gathering activity; and

2-27 (5) a person performing bona fide research sponsored  
2-28 by a public or private institution of higher education with  
2-29 approval of a supervisor of the research or supervising faculty  
2-30 member.

2-31 (b) Except as provided by Subsections (c) and (d), the  
2-32 following persons are entitled to make a copy of a sensitive crime  
2-33 scene image:

- 2-34 (1) the deceased person's next of kin;
- 2-35 (2) a person authorized in writing by the deceased  
2-36 person's next of kin;

2-37 (3) a defendant being prosecuted for an offense in  
2-38 which the death of the deceased person is relevant to an element of  
2-39 the offense or a defense to the offense or the defendant's attorney,  
2-40 or a person appealing a conviction of an offense in which that death  
2-41 is relevant to the appeal or that person's attorney;

2-42 (4) a bona fide member of the news media who is  
2-43 engaging in a news-gathering activity; and

2-44 (5) a person performing bona fide research sponsored  
2-45 by a public or private institution of higher education with  
2-46 approval of a supervisor of the research or supervising faculty  
2-47 member.

2-48 (c) The custodian of a sensitive crime scene image shall  
2-49 notify the deceased person's next of kin of a request for the image  
2-50 from a person described by Subsection (a)(4), (a)(5), (b)(4), or  
2-51 (b)(5) not later than the 14th business day after the date the  
2-52 custodian receives the request. The custodian may not release the  
2-53 image before the 30th business day after the date the custodian  
2-54 provides the notice. If the deceased person's next of kin objects  
2-55 to the release of the image before that date, the custodian may not  
2-56 release the image.

2-57 (d) The custodian of a sensitive crime scene image may  
2-58 refuse to release the image if the image is held by a law  
2-59 enforcement agency or prosecutor and is information that would be  
2-60 excepted from the requirements of Section 552.021, Government Code,  
2-61 under Section 552.108, Government Code.

2-62 (e) The custodian of a sensitive crime scene image may  
2-63 release the image to a law enforcement agency or other state agency  
2-64 or local governmental entity for the purposes of investigating or  
2-65 prosecuting a crime.

2-66 Art. 56.155. PENALTIES. (a) A person commits an offense  
2-67 if the person knowingly violates Article 56.153(b).

2-68 (b) An offense under this article is a Class C misdemeanor.  
2-69 SECTION 2. (a) The change in law made by this Act applies

3-1 only to the disclosure or copying of a crime scene photograph or  
3-2 recording on or after September 1, 2013.

3-3 (b) The disclosure or copying of a crime scene photograph or  
3-4 recording before September 1, 2013, is covered by the law in effect  
3-5 when the photograph or recording was disclosed or copied, and the  
3-6 former law is continued in effect for that purpose.

3-7 SECTION 3. This Act takes effect September 1, 2013.

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